

Director of the United States Citizenship and Immigration Services shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mr. PRYOR) and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Nebraska (Mr. JOHANNES).

The PRESIDING OFFICER (Ms. HEITKAMP). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 210 Ex.]

#### YEAS—52

Baldwin	Harkin	Nelson
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Booker	Johnson (SD)	Sanders
Boxer	Kaine	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Stabenow
Cardin	Landrieu	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Coons	Markey	Walsh
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murphy	
Hagan	Murray	

#### NAYS—44

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Collins	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Lee	Toomey
Crapo	Manchin	Vitter
Cruz	McCain	Wicker
Enzi	McConnell	

#### NOT VOTING—4

Cochran	Pryor
Johanns	Schatz

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 44. The motion is agreed to.

The PRESIDING OFFICER. The majority leader.

#### ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that following my remarks, the Senate recess until 2:15 p.m.; that when the Senate reconvenes, the time until 4:30 p.m. be equally divided and controlled in the usual form; and that at 4:30 p.m. all postcloture time be considered expired and the Senate vote on confirmation of the Rodriguez nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

#### NOMINATION OF LEON RODRIGUEZ TO BE DIRECTOR OF THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read as follows:

Nomination of Leon Rodriguez, of Maryland, to be Director of the United States Citizenship and Immigration Services, Department of Homeland Security.

The PRESIDING OFFICER. Under the previous order, the time until 4:30 p.m. will be equally divided in the usual form.

The Republican whip.

#### CRIMINAL JUSTICE REFORM

Mr. CORNYN. Madam President, there are two things I wish to address here briefly on the floor of the Senate. The first, strangely enough, has to do with an editorial that appeared in the New York Times this weekend.

I remember one of the people who was influential to me when I was coming up through the political system in Bexar County, TX, and in Austin, and now working here in Washington and back home in Texas. One of my mentors said: Don't ever get into a fight with somebody who buys ink by the barrel.

That seemed like pretty sage advice, but maybe it is a little dated these days because so much of what we see in the news is not in written newsprint itself.

The point is, the editorial in the New York Times this weekend I am referring to was talking about criminal justice reform, a topic that in recent months has produced some genuine bipartisan legislation. I am proud to be a cosponsor of one of those reform bills, along with my colleague, the junior Senator from Rhode Island, SHELDON WHITEHOUSE.

Our bill would allow low-risk Federal prisoners to earn credit toward completing a portion of their sentence outside of prison walls—for example, through home confinement, through halfway houses or community supervision.

Strangely enough, the Times editorial praises our bill as an example "of significant progress toward a legislative solution."

Unfortunately, it then proceeds to blame Senate Republicans, including me, for stalling progress on the bill and preventing a vote on the sentencing bill introduced by the distinguished majority whip, DICK DURBIN of Illinois.

The strange thing about it is, as every Senator and everybody within the sound of my voice knows, it is Majority Leader REID who determines what legislation comes up on the Senate floor, and this editorial didn't men-

tion him at all. An amazing oversight. The last time I checked, the majority leader was the only person in the Chamber with the power to schedule a vote on any legislation he wants, and he can do so whenever he wants.

So for the record, I wish to correct the error in the New York Times editorial. I strongly support criminal justice reform, including sentencing reform. My concerns about the sentencing reform bill cosponsored by Senator DURBIN and Senator LEE are that I believe the criteria it uses are excessively broad in deciding whose prison terms to shorten. But I think those are the sorts of things that could be worked out through an open amendment process on the Senate floor. And—I am sure we all agree on this—we don't want to prematurely release dangerous, higher level drug traffickers. That is my concern, that the bill is overly broad and would include them. Those kinds of concerns should not be taken lightly—and I am sure they are not—and I look forward to working with my colleagues to address them.

To reiterate, my opinions about the sentencing bill have nothing to do with the majority leader's prerogative to schedule a vote. He could schedule that vote anytime he wants. I would like to think the New York Times editorial board is knowledgeable enough to know that, but apparently they need a reminder.

#### IMMIGRATION POLICY

In the last week I have come to the floor a number of times to talk about the humanitarian crisis in South Texas. This of course is caused in large part by 52,000 unaccompanied minors, mostly from Central America, who have shown up on America's doorstep, on our border, saying they want to live in the United States. It is estimated those numbers could rise to as many as 60,000 to 90,000 this year alone and maybe double next year unless something is done.

I have to say I am somewhat encouraged because the Obama administration is finally acknowledging—somewhat belatedly, but finally they are acknowledging their policies may have contributed to this crisis in the first place.

This past weekend Department of Homeland Security Secretary Jeh Johnson published what he called an open letter to the parents of children crossing our Southwest border. This letter ran as an op-ed in Spanish language media outlets, and it warned parents of the extraordinary dangers facing Central American migrants who travel through Mexico, including the danger of kidnapping, sexual assault, torture, and murder.

Secretary of Homeland Security Johnson also made clear that the children who have been pouring into South Texas will not be eligible for the Obama administration's so-called deferred action programs. This is what he said:

There is no path to deferred action or citizenship, or one being contemplated by Congress, for a child who crosses our border illegally today.

In other words, Secretary Johnson's op-ed implicitly acknowledged that President Obama's policies have created a perception that children who make it across the border will be allowed to stay. I must say it is a very dangerous perception and one that simply has to be corrected, not only for the sake of U.S. border security and for the rule of law but for the sake of the very children who now constitute the humanitarian crisis on our southwestern border.

In discussing this matter with a number of our colleagues on a bipartisan basis, it has been observed that the drug cartels, which used to just traffic in drugs, now traffic in people. They have changed their business model. Essentially, they control the corridors by which drugs, people, and weapons traverse Mexico and, in this instance, come from Central America.

The fact is there should be a lot of concern on our part that this flood of unaccompanied children will prove to be a distraction from the interdiction of dangerous drugs coming across the same borders. In fact, in the Rio Grande sector of the Border Patrol, in the Rio Grande Valley, as the distinguished chairman of the Homeland Security Committee knows, there has actually been a drop in the number of drug interdictions coming across the southwestern border in part because the Border Patrol and other law enforcement have been diverted to deal with this humanitarian crisis.

I see the chairman on the floor, and it looks as though he has a question on his mind. I yield to him for a question if he has one.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I thank the Senator from Texas for his thoughtful comments.

When I was Governor, and long before that, and certainly in the Senate, I have liked to focus on underlying causes, not just the symptoms or problems but how do we solve the underlying challenge that is before us.

In this case we focus so much on the border and what we are doing on the border. We have tens of thousands of men and women arrayed there, drones, all kinds of technology to stop people from coming in. It is important for us to defend and secure our borders. The Senator from Texas has been a champion for that, and I would like to think I have as well, also, having been to Guatemala and El Salvador in the last couple of months, and Mexico and Colombia, trying to understand what is the underlying cause here.

As the Senator from Texas knows probably better than most of us, a big part of the underlying cause is the lives the folks are being forced to live in Guatemala, El Salvador, and Honduras. As we squeeze that bubble in

northern Mexico to try to go after the narco drug lords, we squeeze that bubble and they go somewhere else—they head south. They have made life miserable in those countries for a lot of people.

So as we secure our borders and do all the work there, sending a strong, clear message, as Secretary Johnson has said, to those parents of those in Guatemala and El Salvador, it is also important to figure out how we partner with Colombia and those folks in Mexico and Guatemala, El Salvador and Honduras, to improve the hellacious lives many are living, with a lack of hope, lack of safety, lack of jobs, lack of opportunity, lack of education. We can do that. We can do that while at the same time securing our borders. We have to do both. And the underlying cause is important.

I have no questions, but I want to thank the Senator for his thoughts this evening, for yielding, and for giving me a chance to join him.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, the chairman of the Homeland Security Committee is exactly right to say we can't just look at the border in dealing with this crisis.

My friend HENRY CUELLAR from Laredo, TX, a Member of the House of Representatives, likened this to a football game. He said: You can't only do goal line defense. We need to find ways of deterring people from leaving their homes in the first place and coming to the United States.

I know Vice President BIDEN was in Guatemala this last week and Secretary Johnson was in the Rio Grande Valley, and I know they are looking at all of this. There is no simple, single-shot answer to it. But the fact is there are a lot of people who want to come to the United States, for obvious reasons.

But I look at it as even though we are a nation of immigrants, we are a nation of legal immigration, one of the most generous in the world. I think we naturalize roughly 800,000 people a year now because they want to become American citizens through the legal system.

But to have this mass of humanity come at such a great flood and in such a short period of time, particularly as unaccompanied minors, threatens to capsize the boat. It creates a lot of hardship in local communities, States, and places around the country we wouldn't expect to be dealing with this, because they are going to have to be taken care of. We are committed to making sure these children are taken care of, but we have to send a message very clearly that if you are a parent contemplating this circumstance, you should not send your children, particularly on the perilous and dangerous journey leading from Central America.

I have mentioned in recent days a book written in 2013 called "The Beast" by a courageous Salvadoran writer named Oscar Martinez. Mr. Mar-

tinez, a journalist, traveled I think eight different times with the migrants from Central America and wrote in this book about their experiences and, unfortunately, the unspeakable brutalities these migrants encounter on a daily basis—again, because they are traveling through a smuggling corridor controlled by the cartels, in this instance the Zetas. The Zetas are a spin-off of the Sinaloa cartel. They used to traffic in drugs, but now they realize they can make money off these migrants—and they do, in terrible sorts of ways. Of course they are lawless, and the brutalities they exact on these migrants are shocking.

For example, Mr. Martinez in his book "The Beast" tells a story of one migrant woman who was raped on the dirt-and-straw floor of a cardboard shack before being strangled to death in a Mexican town along the Guatemalan border. This woman's picture was subsequently published in a local newspaper on a half page, with two other pictures of tortured bodies. In the meantime, an epitaph was written on a small cross that read: The young mother and her twins died November 2008.

I realize this is shocking and really horrible, and we prefer not to even think about it. But I think we need to acknowledge—and certainly the parents who send their young children unaccompanied on this long, perilous journey need to understand—what they are vulnerable to.

The dangers of the trans-Mexican migration journey have become far worse over the past decade as powerful drug cartels have effectively taken over the human trafficking business. As Caitlin Dickson in the Daily Beast reported yesterday:

While the journey north was always treacherous and costly, in the hands of the cartels it has become deadlier than ever. The entire border, and the routes leading up to it, are controlled by some combination of Los Zetas, Sinaloa, and Knights of Templar cartels, along with a few smaller groups—making it impossible to cross without their permission.

What they have to pay to exact their permission is a tax or a fee—basically, protection money—to allow them to pass more or less safely through their territory. As I have said many times, there is nothing at all humane about encouraging mothers, daughters, fathers, and sons to put their lives in the hands of such vicious criminals. Yet when the President has talked as he has over the years about dealing humanely with migrants, he acts as if the decision to demonstrate more and more leniency or deferred action when it comes to our enforcement or immigration laws is itself a humanitarian act. Yet perversely what it does is it encourages this sort of illegal immigration and encourages mothers and fathers to subject their children to these tremendous brutalities.

I can only hope the ongoing crisis we are seeing now along the southwestern border will dispel any illusions that

somehow by saying, well, we will not enforce our immigration laws as to this class of individuals, we are going to pick and choose or we have deported too many people, so we are going to quit deporting people—these actions and inactions have consequences, and this is the sort of consequence that sort of action produces. I hope it will dissuade the President from announcing yet another unilateral suspension of immigration enforcement later this summer.

There are various stories written and rumors told that the President, if immigration reform doesn't pass this year in Congress, will take action unilaterally through an Executive order. He has encouraged that perception, saying, "I have a pen and I have a phone," and he has issued a number of Executive orders in a number of different areas, but I hope the President doesn't compound the problem by further sending the message that he is going to unilaterally suspend enforcement of our immigration laws because the consequences will be big and they will further jeopardize the health, welfare, and well-being of the people he thinks he is trying to help.

I would ask the President: What is more important, is it political posturing—trying to show to an important constituency that you are sympathetic to their concerns—or are we going to focus primarily on people's lives and their welfare?

Given all that has happened in this humanitarian crisis, how on Earth could the President possibly justify another unilateral change in immigration enforcement that will likely lead to another surge like we have seen on the border.

It is pretty simple. Unless we send a clear message that our borders are being enforced and that our laws are being upheld, we will continue to face crisis after crisis after crisis. Meanwhile, untold numbers of migrants will continue suffering and dying in Central America and Mexico just trying to get here or get here—showing up on our doorstep—and overwhelm our capacity to deal with them in a responsible way.

I yield the floor, and I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to do call the roll.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Colleagues, there is an unprecedented crisis unfolding on our border. The crisis threatens the very integrity of our national border, our laws, and our system of justice. It is something I have been talking about for a number of years, but it has reached unusual and dangerous proportions. It is a crisis of this administra-

tion's own making and a crisis the administration's policies continue to encourage.

America deserves leaders in the executive branch who will stand up and say clearly: The crisis must end now. The border is closed. Please do not come unlawfully to America. If you do come unlawfully, you will be deported. This is what we expect from our Chief Executive, the chief law enforcement officer in America and, for that matter, the head of Homeland Security, the office in charge of Border Patrol and ICE officers.

But President Obama and Secretary Johnson at the Department of Homeland Security refused—just refused—to plainly make this statement. How can they not? It is their duty. It is the law of the United States, and it is causing people around the world, particularly in Central America, to believe they can come unlawfully to America. It is encouraging this to happen. They are getting wrong messages from the leadership in our country.

So let's review the evidence.

On March 20, 2014, the University of Texas at El Paso did a study that was funded and supported by the U.S. Department of Homeland Security Science and Technology Directorate, and it states that "both Border Patrol and ICE officers agreed that the lack of deterrence for crossing the U.S./Mexican border has impacted the rate at which they have apprehended UACs."

UACs are unaccompanied alien children.

Officers assert that "UACs are aware of the relative lack of consequences they will receive when apprehended at the U.S. border."

Get this: Officers are certain the UACs are aware of this.

UTEP [University of Texas El Paso] was informed that smugglers of family members of unaccompanied alien children understand that once a UAC is apprehended for illegal entry into the United States, the individual will be reunited with a U.S.-based family member pending the disposition of the immigration hearing.

There will be some sort of hearing set for them.

This process appears to be exploited by illegal alien smugglers and family members in the United States who wish to reunite with separated children. It was observed by the researchers that the current policy is very similar to the "catch and release" problem that the Department of Homeland Security faced prior to the passage of the Intelligence Reform and Terrorism Prevention Act of 2004.

If we catch somebody in the United States unlawfully, they will be given some minimal process and then released on bail and told to return back to court in so many weeks or months. In many cases, they do not show up. They enter the country unlawfully against the laws of the United States. They are apprehended but released—and why would they show up?

Recently Border Patrol agents in the Rio Grande Valley questioned 230 illegal immigrants about why they came. These are particularly related to chil-

dren, and 95 percent said they believed they would be allowed to stay and take advantage of the "new" U.S. "law" that grants a free pass or "permiso" being issued by the U.S. government to adults traveling with minors and unaccompanied children.

So this is what they said 95 percent of the people who came illegally believe. This memo that leaked out of the Department of Homeland Security continued:

The information is apparently common knowledge in Central America and is spread by word of mouth and international and local media. A high percentage of the subjects interviewed stated that their family members in the United States urged them to travel immediately, because the United States government was only issuing immigration "permisos" until the end of June 2014.

On June 10, 2014, newspapers in Honduras and Guatemala quoted Secretary of Homeland Security Jeh Johnson as saying this—this is what he is being quoted as saying in Central America: "Almost all agree that a child who crossed the border illegally with their parents or in search of a father or a better life, was not making an adult choice to break our laws, and should be treated differently than adult violators of the law."

This conveys a message. Isn't it clear that people who are not students of the esoteric aspects of American law would hear the Secretary of Homeland Security basically saying if you are a young person and you come you will be treated differently? Then they hear they will be given a "permiso" and allowed to stay and be taken care of, that there is no risk or danger in coming to the United States unlawfully.

On June 13, the Washington Post published an article entitled "Influx of minors across Texas border driven by belief they will be allowed to stay in U.S." How hard is it to reverse that belief? We have not done it.

On June 19, Democratic Congressman HENRY CUELLAR of Texas said, "As long as they know they are going to be released and allowed to stay here, they are going to keep coming." Isn't that true?

The New York Times quoted one teenager from Honduras whose mother had sent for him: "If you make it, they take you to a shelter and take care of you and let you have permission to stay."

Records show the administration knew this surge we are seeing at the border, which is unprecedented in our history, was coming, and they knew of it for some time and did nothing to stop it or to send the message: Don't do this. Do not come to America unlawfully. Make your application if you feel you are justified in coming, and it will be processed in regular order. Indeed, the administration sought, rather than to stop this dramatic surge, to accommodate it.

Even before the public became aware of the beginning of the surge of this nature at our border, on January 29 of this year, the Federal Government—

get this—posted an advertisement seeking bids from a contractor to handle 65,000 “unaccompanied alien children” crossing the southern border. This was in January.

In 2011 we had approximately 6,000 coming into the country unlawfully. So in January of this year they posted an advertisement to handle 65,000. So this raises serious questions. Why would the administration claim to be surprised by the current influx of unaccompanied minors when they were taking bids in January for a contract to handle the exact situation—almost the exact number—we are seeing? This year it is expected to hit about 90,000 children; whereas, in 2011 it was 6,000. Projections from official sources say we may hit 130,000 next year. How did the administration anticipate the very numbers it seems we have at least to date?

In March of this year the Department of Health & Human Services estimated in its fiscal year 2014 budget proposal that the number of unaccompanied illegal alien children apprehended in 2014 this year would rise to 60,000, which is up 814 percent from the 6,560 who were apprehended in the United States only 3 years ago.

Over the weekend the Secretary of the Department of Homeland Security published an “open letter to the parents of children crossing our Southwest border” on a Spanish language wire service. I had demanded of him in the Senate Judiciary Committee that he send a clear message, and he actually refused to do so. I had to ask him about three or more times before he would finally say: It is unlawful to come here, and that is the reason you shouldn’t. He said: You shouldn’t come because it is dangerous. He said: You shouldn’t come. It is not a good idea. But he was not simply saying: Do not come unlawfully.

In newspapers in Central and South America and on Univision’s Web site the letter noted, in part, that the Senate comprehensive immigration bill “provides for an earned path to citizenship, but only for certain people who came into this country on or before December 31, 2011.”

The Senate bill died in the House and will not become a law, and it was wrong to have done that very thing. That is what the law said, but it wasn’t passed. But the very fact that Mr. Johnson is advertising in foreign countries an earned path to citizenship for illegal immigrants undermines his primary responsibility, which is to enforce the law. The most primary responsibility for Mr. Johnson is not to see how many people he can apprehend and actually go through the cost and process of deporting; the primary job is to deter criminal activity to begin with, to send a message and back it up that people cannot come successfully illegally. Don’t come. Then you will see a large dropoff instead of this 800-percent increase we see today.

Human beings are rational actors, and if they believe the United States is

granting citizenship to illegal aliens who arrived before 2012, it stands to reason that the U.S. Government will move that date back if more illegal aliens arrive in the years to come. Why wouldn’t they think they would be given amnesty too? That is what happened in 1986—amnesty was given. There were 3 million people who were given legal status, and the message was heard.

Some say that today, we have over 11 million illegal aliens in the country.

Even a 2009 internal Department of Homeland Security report on approaches for implementing immigration reform recognizes this fundamental fact. This 2009 report said:

Virtually all immigration experts agree that it would be counterproductive to offer an explicit or implied path to permanent resident status (or citizenship) during any legalization program. That would simply encourage the fraud and illegal border crossings that other features of the program seek to discourage. In fact, for that reason and from that perspective, it would be best if the legislation did not even address future permanent resident status or citizenship.

That is from an official government report.

Contrary to the administration’s claims that illegal immigrants are acting on mere rumor and misinformation, it is the sad reality of lax enforcement plus the lack of a clear message that is driving the surge. The reality is if you get into the country today, you are not going to be deported. That is true.

A leaked May 30 internal memo written by the top border official, Deputy Chief Ronald Vitiello, said:

Currently only 3 percent of apprehensions from countries other than Mexico are being repatriated to their countries of citizenship, which are predominately located in Central America.

I repeat, only 3 percent are being repatriated back home.

According to the former head of Enforcement and Removal Operations for ICE, the Immigration and Customs Enforcement agency, Gary Mead:

It’s taking a year or more in some places for people to come up on a hearing and many times, they don’t have an attorney, or they’ve lost an attorney, and they get an extension, and maybe it’s two years before they have a hearing. And in the interim period, they enroll in school, or they get a job, or they are reunited with family members, and then they are no longer an enforcement priority.

That is significant. Even if after 2 or 3 years a judge finally orders removal—assuming the individuals show up in court at all—many illegal immigrants simply ignore that order, and having been here for a period of years, no one makes them leave.

As former ICE Director John Sandweg said: “If you are a run-of-the-mill immigrant here illegally, your odds of getting deported are close to zero.”

Yesterday, Byron York published in the Washington Examiner the findings of Jessica Vaughan, Director of Policy Studies at the Center for Immigration

Studies, which shows that the United States deported a total of 802 minors to Guatemala, Honduras, and El Salvador in 2011, 677 in 2012, and down to 496 last year. Weighed against the tens of thousands pouring in, it is clear that once again the reality on the ground—not merely rumor, talk, or policy—of the lax enforcement has influenced decisionmaking in Central America.

It is obvious to me. I have been a Federal prosecutor. You have to send the message, and if the message is heard that if you violate a certain law, you will be disciplined, the number of people who violate the law will drop. If you never enforce speeding tickets, people will speed. If you enforce them systematically, people will slow down.

York quotes ex-ICE official Gary Mead:

If you’re getting 90,000 a year, or 50,000 a year, or even 25,000 a year, and you only remove 1,200, you’re not eliminating the backlog.

How obvious is that?

Additionally, those here illegally have taken advantage of an asylum system that is easily open to abuse and that the administration has sought to widen rather than narrow. This asylum question is very serious. House Judiciary Committee Chairman GOODLATTE recently stated:

Many of the children, teenagers, and adults, arriving at the border are able to game our asylum and immigration laws because the Obama administration has severely weakened them and many thousands have already been released into the interior of the United States. What does President Obama plan to do with those who have already been released from custody?

That is a good question. We have a situation now where illegal immigrants seek out and turn themselves in to the Border Patrol officer. They come across the border and go straight to them and turn themselves in. That is a fact. What happens then? They are taken farther into the United States to be reunited with family members, apply for a job, attend school, have children in U.S. hospitals, and stay in the United States—whether through skipping court hearings, receiving asylum, or simply ignoring orders to leave.

We can all expect that 5 or 10 years from now—and correct me if I am wrong—politicians in this body will probably say these illegal immigrants “came here through no fault of their own” and are entitled to citizenship. Is this a policy of a great nation? It is a policy of a nation that believes and advocates for open borders, but it is not a policy that is compatible with a system of law, duty, and order.

If people apply and wait in line, why should other people be able to come from the outside, break in line, move ahead of them unlawfully, and then ultimately receive the very thing they sought unlawfully? The chaos continues.

Indeed, the President actively continues to incentivize even more illegal immigrants. That is the effect of what

he has accomplished here. He reauthorized his DACA program—based on a bill that did not pass the Senate or the House—for 2 years, which is a policy that exempts whole classes of certain individuals, particularly young people, from the immigration laws of the United States. He held a White House ceremony in the White House honoring 10 DACA recipients. DACA recipients are people who enter the country illegally. He also unilaterally authorized an additional 100,000 guest workers, and now the Justice Department is hiring lawyers to represent unaccompanied alien children in immigration court to maximize the number of those who will receive permission to stay in the country.

Claims that DACA—this policy of nonenforcement unilaterally carried out by the President of the United States not to enforce the law—does not apply to these new arrivals is simply a distraction. DACA is a unilateral action that established the precedent that those who come to America at a certain age will receive special exemptions from the law. That is what it says.

ICE officers report they are often forced to release even high-risk individuals of unknown ages and dates of entry who simply assert DREAM Act privileges.

In the internal Border Patrol memo, Deputy Border Patrol Chief Vitiello stressed the only way to stop the flow is to show potential illegal immigrants that there will be real consequences for their action. He said:

If the U.S. government fails to deliver adequate consequences to deter aliens from attempting to illegally enter the U.S. the result will be an even greater increase in the rate of recidivism and first-time illicit entries.

Our immigration system is unraveling before our very eyes. It is unbelievable. The American people have been denied the protections they are entitled to under our immigration system. Washington is failing the citizens of this country in a most dramatic and open way. Laws are passed by elected representatives of the people. We have passed laws that say you can't come to America without permission, and you need to file your papers and follow the rules. It is unlawful to just walk across the border because you want to come to this country. That is not lawful in this country.

I am calling on all the leaders and officials in this town to take the firm, bold, and decisive steps that are necessary to restore order and restore our borders. It is important for the children who are at risk. Many of them are having a difficult time. They have run out of money and the coyotes and smugglers have taken their money and mistreated them. We have heard a lot of horrible stories.

What is the best way to fix this problem? The best way to fix it is to have the President of the United States and the Secretary of Homeland Security

say we are not going to accept you coming unlawfully. Please do not come. Don't do it. Make your application like everybody else. Wait your turn like everybody else. We are not against immigration or young people, but it is unacceptable to have a lawless system—as we have today—that is placing children at risk and overwhelming our enforcement officers.

One TV program today said the Border Patrol officers, instead of doing their duty, are changing diapers. We have gone from 6,000 to maybe 90,000 to 100,000-plus next year. The cost of the budget item last year for these kinds of things was about \$800 million. I think they are now saying they need \$2.28 billion a year just to handle this overflow. We don't have money to do that. It is not the right thing. It is dangerous for children, it is corrosive of the law.

The President must send a clear message: Do not come. Please follow the law, and if you come anyway, contrary to the law, you will be apprehended, you will be deported, and you will be required to return home.

I thank the Chair, yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, today, I would like to discuss the nomination of Leon Rodriguez to be the Director of the U.S. Citizenship and Immigration Service. Mr. Rodriguez was appointed on December 19 and approved by the Judiciary Committee on April 3rd by a vote of 11–7.

I want to explain my opposition.

First and foremost, Mr. Rodriguez lacks adequate immigration experience to lead this agency. I only say that because his nomination comes on the heels of potentially sweeping immigration reform legislation. When we read his responses to my questions, it becomes clear that he has little appreciation for what this job as director entails. He basically says that he has a lot of studying to do. I think, with the situation of immigration in this country—the need for immigration reform—that we need to do better than have a director of the agency who says he has a lot of studying to do.

Second, his previous experience with Casa de Maryland is a concern as well. He was a member of the board of directors there from 2005 to 2007. The mission of Casa de Maryland is to help improve quality of life and fight for equal treatment for low-income Latinos. There is surely nothing wrong with that. That is a very noble cause. But if we peel back their mission statement, we will see that the activities they are involved in are a lot greater than just improving the quality of life for low-income people. They aid people here ille-

gally in finding employment and gaining legal status in this country. They provide legal services to do so, and they fund day labor centers that focus on ensuring undocumented workers can find work on a daily basis. And, of course, that entails the use of taxpayers' money to accomplish that goal.

Their efforts are in direct conflict with the mission of the U.S. Citizenship and Immigration Service. That agency has to ensure the integrity of immigration programs and benefits. Casa de Maryland believes that anyone, even those who are here in contravention of our law, should be eligible for benefits. The organization has pushed for driver's licenses for people here unlawfully. They have worked to undermine REAL ID, a Federal law that needs to be fully implemented by the States. They have organized rallies that promote legal status for people who have broken the law. They have trained undocumented workers to understand their rights and published a cartoon pamphlet advising people not to speak to law enforcement when approached. They go so far as to encourage them not to even provide their names.

Mr. Rodriguez claimed that he had no knowledge of this pamphlet put out by Casa de Maryland. Yet, he was on the board at the time the pamphlet was published and disseminated.

Mr. Rodriguez doesn't disavow their work or their contempt for law enforcement. In fact, he stated in one response that he was "supportive of the use of local tax measures to support the day labor centers" that Casa de Maryland established.

So it is concerning that he could bring this same philosophy to an agency whose mission is to oversee legal immigration in the United States. And we all know that we are a welcoming Nation of immigrants because about a million people come here every year legally, and they are welcomed, and our laws allow that.

Now, a third reason to oppose him is my concern about Mr. Rodriguez's commitment to responding to congressional oversight, and my colleagues know how strongly I feel about Congress's doing its constitutional job of oversight; in other words, to be a check on the executive branch of government, to make sure that the laws are faithfully executed. Despite assurances given during his hearing, Mr. Rodriguez repeatedly failed to provide responsive answers to many of my questions. Mr. Rodriguez was not responsive to the questions I posed even in writing. While he repeatedly stated he would review the programs and policies if confirmed, Mr. Rodriguez claims not to be privy—that is his word—to internal functions or have knowledge of how the agency works. He refused to provide his opinions on very critical matters facing the agency, and I will give my colleagues examples.

In his initial responses he stated the following response not once, not twice,

but 17 times: "If confirmed, I will certainly commit to a careful study of this program to determine any additional appropriate steps forward, including any possible changes to address this matter."

We are talking about a person who gives that response, and he is directing an agency of 18,000 people. He is not going to be ready to go to work on day one, and they need somebody who is ready to go to work yesterday.

The second time around asking questions, he responded a bit differently in each question, but always alluded to the fact that he was "not privy to the internal factors upon which USCIS and its leadership base its decisions."

I wish to give my colleagues one example. I asked about whether drunk drivers or sex offenders should be eligible for legal status and immigration benefits. He responded in both instances saying, "In most cases, individuals who have been found guilty of a serious crime should not receive immigration benefits."

Well, that is a big question mark. What does he mean by "in most cases"? I would read that this way: So when should these individuals be allowed to receive benefits and legal status? That is the question that is unanswered by his response.

By not answering the questions about felons, drunk drivers, or even gang members, he is essentially toeing Casa de Maryland's line that no one should be deported.

He could not offer an opinion of his own or elaborate when such people should get benefits. He said he would be forthcoming with Congress, but his repetitive answers show, No. 1, he is avoiding the questions, and No. 2, he has a lot of studying to do before he takes this job.

A fourth reason: He wasn't forthcoming with his views on what we call around here DACA, the Deferred Action for Child Arrivals program that grants work authorizations and stays of deportation for anyone under the age of 31.

One of the most pressing items on the agency's plate right now is whether we are going to renew the President's DACA directive. In his hearing and twice afterwards in questions for the record, I asked Mr. Rodriguez about his plans with DACA and whether he would expand the program. I couldn't get a straightforward answer from him. I asked if he had any discussions about the program, and he stated that he was only "generally aware" of the renewal process. He clearly knew the agency published a renewal form for public comment, yet he claimed to have little knowledge or opinion on the matter.

What is more, I am told by employees within the agency that he has a person at the table who is reporting to him directly on the agency's decisions. I am told he has a conduit during discussions on the deferred action program. It is not clear how much he is driving the policies, but it concerns me that he claims no knowledge of this matter.

Had Mr. Rodriguez been more forthcoming, we would also know what is in store for the President's directive. Will he simply renew it, or will he expand it, as many believe is the plan? Congress should know this man's views on those very important matters.

In connection to DACA, I asked about information sharing with USCIS and other Federal entities. My colleagues know I rely on whistleblowers for a lot of information. Just recently, a whistleblower brought me a case in which the FBI asked for information on a DACA applicant. The FBI agent, in an email, said this:

I am checking to see if there was any information available regarding fugitive "John Smith"? We would love to get him in custody. I was interested in knowing where he submitted his fingerprints and if he left a home address.

Now, that is the Federal Bureau of Investigation doing its work. Here is what the USCIS provided in response to the FBI:

We cannot confirm that a DACA request has been filed without reason to believe that the requestor would represent an enforcement priority. However, according to your email, the agent can see what form was filed. As such, you could also direct him to our website for additional publicly available information regarding immigration forms.

The USCIS's response to the FBI was essentially this: Sorry. We can't help you. We must protect the confidentiality of the applicant. That is not quoting anybody; that is the hypothetical answer I think our immigration agency gave to the FBI.

But this isn't the only case we have like this. I have been informed about the lack of information sharing by the USCIS since DACA began in 2012. I asked Mr. Rodriguez about his commitment to provide law enforcement with information on people who apply for immigration benefits. Now, I didn't ask about the statutory or regulatory hurdles in information sharing, but he refused to answer. I asked about his commitment to making sure people who defraud the government—or who are lawfully denied benefits—are turned over to law enforcement for removal. In one instance, he said it depended on the person's circumstances.

The immigration agency is part of the Department of Homeland Security. Its core mission is, as we would expect, to protect the homeland. Yet, this agency has a culture that I call "getting to yes." In other words, cut a whole bunch of red tape and don't worry about what the law says. Just get people approved to be in this country.

Mr. Rodriguez's nonresponsive answer on this matter of "getting to yes" concerns me, because it is not consistent with the mission of the department. I wanted a firm commitment he would change that culture, and I couldn't get that from him.

Let me also address his connection to Mr. Perez, former head of the Civil Rights Division at the Department of Justice, now the Secretary of Labor.

Mr. Perez, of course, was involved in the Department's decision to decline the prosecution of the New Black Panther Party voter intimidation case.

During his hearing, Mr. Rodriguez admitted he was aware of emails between political employees and career prosecutors discussing the decision to decline to prosecute that case. At that time, Mr. Rodriguez was serving as Mr. Perez's chief of staff and personally assisted in preparing Mr. Perez for his testimony before Congress. Yet, after Mr. Perez testified that the political appointees were not involved in the decision when Mr. Rodriguez said that they were involved in that decision, Mr. Rodriguez made no effort to correct the testimony after the fact.

The U.S. Citizenship and Immigration Service can be a very powerful agency. They grant benefits to foreign nationals and are implementing the President's weak prosecutorial discretion initiatives. This agency will have a lot of responsibility if an immigration reform bill is passed by Congress. We are talking about 12 to 30 million undocumented people applying for benefits if this legislation is passed. They will carry out an administrative amnesty if a bill is not passed.

Under President Obama, this agency has implemented very controversial policies and practices. Many of the policies this agency has undertaken were included in the July 2010 internal memo I obtained entitled "Administrative Alternatives to Comprehensive Immigration Reform." That sounds a little bit like "I have got a pen and a phone, and if Congress won't, I will." The purpose of the memo was to "promote family unity, foster economic growth, achieve significant process improvements and reduce the threat of removal for certain individuals present in the United States without authorization." The memo highlighted creative ways to achieve "meaningful immigration reform absent legislative action."

Remember when the President said: I have got a pen and a phone, and if Congress won't, I will.

That is a perfect example of it.

While the administration suggested this memo was only an internal deliberative document concocted by some bored bureaucrats, the Department has already undertaken many of these proposals. They will do even more under the new Director's leadership if the President decides to act unilaterally regarding immigration.

Remember the President who said: I have a pen and a phone, and if Congress won't, I will.

The agency's culture of "getting to yes" must change before any legalization program is carried out. The Homeland Security inspector general has reported on this culture. Their own internal watchdog, the IG, admonished the leadership for appearing to pressure line adjudicators to "get to yes." Their report clearly shows that the immigration service has a lot of work to do to



get rid of the “get to yes” culture that has pervaded this agency in recent years.

The fact that one-quarter of the immigration service officers felt pressured to approve questionable applications and 90 percent of the respondents felt they did not have sufficient time to complete interviews of those who seek benefits certainly warrants significant changes be made immediately. It does not appear Mr. Rodriguez is inclined to do that.

This culture stems from the leadership suggesting that line adjudicators lean toward approval and focus on eligibility and less on fraud. Unfortunately, I did not get any sense from Mr. Rodriguez that he was committed to changing the culture.

Mr. Rodriguez’s appointment to this agency concerns me a great deal. I hope my colleagues, before voting this afternoon, will have that same concern. I question his experience and his managerial judgment to lead an agency of 18,000 Federal employees. Unfortunately, I doubt his sincerity in working with Congress on oversight requests. I wish he had been more forthcoming.

For these reasons and others, I oppose the nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, later this afternoon the Senate will vote on Leon Rodriguez as head of the U.S. Citizenship and Immigration Services. While I am unable to support this nomination, this is the prime time to raise some of the issues that are happening on the southwest border. I will summarize some of my remarks.

We have an incredible situation, as we all know, happening on the border today. We have had thousands of kids cross the border. In fact, from October 1 to mid-May, there were 148,017 apprehensions. Of those, a significant number—this is just the Rio Grande Valley in Texas—a significant number of those were unaccompanied minors. In fact, there were so many that we did not have the capacity to deal with them there, and many, to the great chagrin of many in Arizona, were shipped to Arizona to process and then released into the custody of a guardian or someone.

The Border Patrol and others are trying to make the best of a very tragic and unfortunate circumstance. I do not think anybody faults them for the big burden they have. I think they are doing the best they can.

But what the situation really points out is that not only do we have insufficient resources on the border itself to deal with those trying to cross, but once people get here, we have insufficient resources, infrastructure, and policies to actually deal with them in a timely fashion. They are actually released—most of them—and asked to appear at a later date. It is estimated that quite a few do not. In fact, very few will show up at their court date.

What are we to do here? Obviously those of us who have dealt with this situation for a long time—those of us from border States—have advocated broad legislation to deal with border security, a guest worker plan, mechanisms to deal with those who are here illegally now, employer enforcement—many items. But if we cannot get to that yet—I wish we could, but if we cannot get to that yet, then we need to have better policies for dealing with those who have come across the border and whom we are going to hold. If we are going to grant them asylum—or some of them—then that needs to be done. If not, we cannot just assume that we are going to release them and assume they will come back for their court date or at their appointed time.

So this is a situation with which we have to deal. One thing we need to address immediately is to try to stem the tide of those who are coming. Interviews suggest overwhelmingly—in fact, in one case there were 250 crossers during a 1-week period or a 2-week period into Texas. I believe 95 percent of them indicated that the main motivation for them coming across the border—this is largely unaccompanied minors—was that they would be granted some kind of legal status that would allow them to stay. This is contrary to our law. This is contrary to the President’s deferred action program. To qualify for that program, you would have had to have been here for 7 years. You cannot just arrive today or yesterday or tomorrow and qualify for this program. Nor was this contemplated by any legislation that has been passed by either body. The legislation we passed in the Senate does not allow those who come now to stay. You will have had to have been here since, I believe, December of 2011.

But what is happening is cartel members, human smugglers, and others are misinterpreting or willingly telling people they will receive some kind of legal status when they come. Too many people believe that, particularly from the countries of El Salvador, Honduras, and Guatemala.

Some suggest it is just economic conditions or violence in those countries that is driving people northward. That, no doubt, has some truth to it. There are some who come for those reasons. But we have seen a massive spike just in the last couple of months that cannot be explained by economic conditions or violence in those countries. It is because they believe they will be afforded some legal status.

Senator MCCAIN, I, and many others in this body have raised this with the administration and have asked the administration to make it clear that those who come now will not be allowed to stay.

I have a letter that has been—I think this is an advertisement or has been translated into Spanish. It is being circulated in the affected countries from Secretary Jeh Johnson at the Department of Homeland Security. It is a

good letter. It says the right things. I am glad we have taken that step. Vice President JOE BIDEN was in those countries telling those in charge and others that those who come now will not be allowed to stay; they will be deported. That is good. We need to keep that up. But what we really need right now is for President Obama himself to make such a statement. In all deference to the Vice President and the Secretary of Homeland Security, they simply do not carry the weight of the President of the United States making a statement and then following up that statement with a concerted effort in those countries to let people know they should not come north. That would make a tremendous difference. I call upon the President to make such a statement and to follow up that statement with efforts in those countries to make sure people understand this.

First and foremost, we need to stem the tide of those coming. It is estimated that this year there could be as many as 90,000 unaccompanied minors who come across the border. That figure may be higher next year. We have to stem that tide and then quickly figure out how we can deal with those who cross the border and whom we apprehend. We simply do not now have the infrastructure or policies that allow us to deal with them in a rationale, humane way.

I would call upon the President to make such a statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

(The remarks of Mr. WALSH pertaining to the submission of S. Res. 483 are printed in today’s RECORD under “Resolutions Submitted.”)

Mr. WALSH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent to speak for up to 20 minutes in a colloquy with a number of my colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### KEYSTONE XL PIPELINE

Mr. BARRASSO. I come to the floor today with the ranking member of the Senate energy committee to discuss the issues of the Keystone XL Pipeline.

I turn to my colleague from Alaska to invite her to share with the Senate some of her observations, considerations, and concerns as we seek approval of an opportunity to create more jobs in America and improve our economy, as well as energy security for our country. I turn to the Senator from Alaska and ask her concerns, comments, and solutions that she may have regarding the Keystone XL Pipeline.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. I appreciate that my friend and colleague from Wyoming is helping to lead this discussion about the Keystone XL Pipeline and really to encourage the Senate to move on it, to do something on this rather than just talk about it.

We are sitting here Tuesday afternoon. We had a series of votes on judges here this morning, and it looks like we are going to have some more this week. But from the view of so many around this country who are worried about jobs, worried about the economy, worried about what is happening with the IRS, with the VA—and not to mention what has happened on the world scene—it looks like we are going to have yet another unproductive week in the Senate.

Since we are here and we have time, I can't think of a better time on a better issue to take up than this Keystone XL Pipeline.

The bill that we are asking to be brought up is Senate bill S. 2280. It was introduced by our colleague from North Dakota, Senator HOEVEN. He introduced it on May 1.

It was placed on the legislative calendar a few days later. It has 55 cosponsors. When we talk about bipartisan issues and initiatives within the Senate, 55 is a very good number. It includes 11 Democrats, including the chair of the Energy and Natural Resources Committee.

We are well behind the House of Representatives, though, on this initiative. They passed a Keystone bill over 1 year ago, but we have been working in the energy committee. We had a Keystone bill that was reported out of the energy committee just last week.

We passed an original bill on a bipartisan basis. It has not yet been filed, but it is virtually identical to Senator HOEVEN's bill, which we are discussing today.

But I did vote. I know my colleague from Wyoming and I know the Presiding Officer voted for Senator LANDRIEU's original bill. I did so because I think it is good policy to approve the Keystone XL Pipeline. I committed at that hearing, and I certainly commit now, that I am going to do everything I can to help advance this initiative. If and when her bill is placed on the calendar, I intend to support that as well.

But the problem that we have—and it should be no surprise to most—is no matter how many Keystone bills are added to the calendar, it appears that the majority leader is going to ignore them. It doesn't matter how long Keystone has been under review, it doesn't matter how many new jobs will be created, and it doesn't matter that the delays are political and not substantive.

The fact of the matter is we cannot get to that point where we can take up this important initiative. The majority leader could have offered us a vote on Senator HOEVEN's bill at any point over

these past 6 weeks, but he has chosen not to.

It seems very clear to me that he has no intention of moving to it, especially if we just kind of sit back on this and don't push. It may be that is the will of some in this body—that they don't want us to do anything, they don't want us to push forward. But I think that is contrary to the will, to the wish of 56 Members of this Chamber, and it is contrary to our national interests.

It is interesting to note Democrats were not always opposed to importing crude oil from Canada, as they would appear today. Back in 1970 the Nixon administration announced that it would place a quota on Canadian oil imports, and it was none other than Senator Ted Kennedy who led the fight against this decision.

Senator Kennedy said in a Senate hearing in March of 1970:

The reason why Canadian oil has never been restricted in the past is obvious. Canadian oil is as militarily and politically secure as our own and thus there can be no national security justification for limiting its importation.

Those were pretty telling words back then, and I think they still hold true today. It wasn't only Ted Kennedy. There were other Democrats who opposed the Nixon administration's restriction on trade with Canada: Senator Proxmire of Wisconsin and Senator McIntyre of New Hampshire.

I think we have had such an opportunity on this floor to debate the merits of the Keystone XL Pipeline and to debate not only how many good-paying jobs it can bring to us but how it can help this Nation and Canada as we work to promote our North American energy independence.

Our energy partnership with Canada has taken decades to develop. It has had some rocky times, but all good and worthy relationships take a little bit of work to maintain.

So if the Obama administration is unwilling to do the hard work of diplomacy and make this remarkably easy decision—approving a job-creating and a security-enhancing pipeline—then I think it is time for Congress to act. That is why a few of us have gathered here today to move this issue forward, to do more than just talking about it, but to get the Senate to the point where we might actually have an opportunity to vote on it and do some good for this country.

So we are sitting here waiting. We have an opportunity to do it, and I think we should end the delay. I think we should move forward with this bill.

Mr. BARRASSO. I agree, Mr. President. Just think about what happened last week. Extremists from the Islamic State of Iraq and Syria, a terrorist group, attacked the largest oil refinery in Iraq. This terrorist group was actually kicked out of Al Qaeda for being too extreme.

It is a striking reminder to all of us—all of us in this Chamber and all of us in this Nation—how important it is for

the United States to take swift action to increase energy production here in North America. Energy security is key.

President Obama essentially conceded the point last week during a press conference when he announced he was sending troops back into Iraq. He was asked what Iraq's civil war is in terms of national security interests to the United States, and he gave a couple of reasons:

Obviously issues like energy and global energy markets continue to be important.

Despite the urgency, the President refuses to take steps to reduce the effect that Iraq's oil can have on American national security in the future. The President admits energy is a national security interest but he refuses to do anything about it that is meaningful.

What do the President and the administration think should happen? The President was asked a week or so ago, as a result of a huge spike in oil prices per barrel of oil as a result of what was happening with ISIS in the Middle East: What about all of this?

He said he was concerned, but he said: The gulf should pick up the slack and produce more oil. Not North America, not the United States. The gulf. He was talking about the Persian Gulf should pick up the slack.

Vice President BIDEN put out a plan last week to support energy production—but not in the United States, in the Caribbean.

America shouldn't be asking for more energy from the Caribbean or the Persian Gulf. We should be producing more energy on our own, in our own gulf coast, offshore, on Federal lands, in Alaska.

That is why last week the Energy and Natural Resources Committee passed legislation approving construction of the Keystone XL Pipeline. The bill passed the committee. The ranking member said there was bipartisan support. Even Democrats voted for it. That bill would send oil from Canada into States such as North Dakota. The Senator from North Dakota is here on the floor. It will send oil from Canada and North Dakota to refiners in Texas and Louisiana.

Last week Democrats in the committee voted for this bill and talked about how important it is. The Keystone XL Pipeline application has been pending for more than 5 years. The State Department has done five environmental reviews of the project. All five have found the Keystone XL Pipeline will cause no significant environmental impact. We should not delay this project any longer. Democrats should push their party leaders to vote on this bill.

I am disappointed—I know my colleagues are—that Senate Democrats up to this point have chosen to block this important bill. I think it is outrageous the way a small group of Democrats refuse even to consider having a debate on this vital measure—energy security for our country, energy at home.



America needs the jobs. We need the energy. According to the U.S. State Department, this bill would support thousands and thousands of jobs. Energy is a national security issue for the United States, and this bill would help produce energy here in North America—not what the President said, where they will pick up the slack in the Persian Gulf.

The bill is on the calendar right now. The Democratic majority leader can bring it up for a vote, and we are going to ask him to do so today. The Chair of the Energy Committee should call on the majority leader and demand that he act on the bill.

We are here in the Senate and we get elected to the Senate to vote. The Keystone XL Pipeline is important. This bill is important. Democrats who want to vote against it can make their arguments and cast their vote.

So I turn to my friend and colleague, the Senator from North Dakota—a Senator who has been an incredible leader, a former Governor of his State, a Senator who knows the issue well, who knows the value of American energy—U.S. energy, North American energy—the impact on jobs, the impact on the economy, the impact of energy as a geopolitical weapon in what is happening around the world.

I ask my friend and colleague from North Dakota if he thinks there is any reason whatsoever to delay action on this bill or if we should move ahead.

I see the Senator from Oklahoma has also joined us. So there are obviously significant and growing voices coming to the floor to say it is time to vote now, not additional delay, not additional studies, not additional talk. It is time to vote.

I turn to my friend and colleague from North Dakota, the former Governor of North Dakota—I think the longest serving Governor in the history of the State—for his impression of why it is time to vote today.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I thank the esteemed Senator from Wyoming not only for being here today to talk about this important issue but for his tremendous leadership on energy issues.

Wyoming produces an incredible amount of energy for this country, and the Senator from Wyoming well knows that you not only have to produce that energy, you have to get it to market, and you need pipelines to move oil and gas to market. We move some by truck, some by train. But we can't move everything by truck and by train. We have to have pipelines, and that is what this is all about.

The Keystone XL Pipeline is the latest, greatest technology that is the most efficient and the safest way to move this product to market. It will actually result in less greenhouse gas than if we don't build the pipeline, as was determined by the administration's own environmental impact state-

ment produced by the Department of State.

I have some additional comments I wish to make on this important issue, but first I would turn to the esteemed Senator from Oklahoma and ask that he provide some of his comments and insights from a State that produces an incredible amount of energy, and where actually hydraulic fracturing started in this country and has been done safely since I think the 1950s; somebody who understands not only that we have to produce energy so we can get to energy independence, but that we have to have the infrastructure to move that product safely to market.

With that, I turn to the distinguished Senator from Oklahoma and ask his thoughts on this important issue as well.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do appreciate that. I might elaborate a little bit.

Oklahoma is not just the place where they first started hydraulic fracturing, it was done in Oklahoma in 1948, and, according to Lisa Jackson, who was the Obama-appointed EPA Director, never has there been a confirmed case of groundwater contamination.

I know we are getting strapped for time here and I regret that. I draw the Presiding Officer's attention to the chart I am holding up here.

It happens that Cushing, OK, is considered to be the crossroads of the pipelines throughout the United States. In Cushing, OK, we had I guess the only trip President Obama has ever made to Oklahoma. He came to Oklahoma. Looking in the background, there are all the tubes up there to dramatically make a statement. And that statement:

I'm directing my administration to cut through the red tape, break through the bureaucratic hurdles, and make this project a priority, to go ahead and get it done.

That is what the President said in Oklahoma. I wasn't there, but that is what he said. That is a direct quote. Then he did everything he could do to destroy the Keystone Pipeline.

He made the statement down there: I'm not going to do anything to create a problem for the southern leg that goes from Cushing down into Texas. Well, there is a reason for that. The reason is, he couldn't do it. The reason he is stopping up there, because it crosses the country line from Canada into the United States. He has some jurisdiction there. But there is nothing he could do to stop it. So he came down to tell us that he wasn't going to do that.

I have to say to the President: People in Oklahoma aren't that dumb. They know you didn't have that authority or you would have stopped it.

The portion between Canada and Cushing is the part that remains stalled. At this point I think the reason is one guy named Tom Steyer. Let me introduce him.

First, we always hear a lot of things about the Koch brothers and other people who are putting money in or are concerned about it. This actually is a statement made by this very wealthy person. I am sure he is a nice person. Tom Steyer is a multibillionaire. He is very liberal. He is from the State of California. He is a good friend of the junior Senator from California, and he has made the statement that he is going to put up \$100 million to spend in campaigns of people who would do two things: one, try to resurrect the issue of global warming—which is dead. I can remember when global warming would be polled as the No. 1 or No. 2 problem in the country. Right now, according to last week's Gallup poll, it is No. 14 out of 15. So that is a dead issue.

But \$100 million would do two things: first, to resurrect that issue; secondly, to stop the Keystone Pipeline.

A few weeks ago he said explicitly—and these are his words, not mine:

It is true that we expect to be heavily involved in midterm elections. We are looking at a bunch of races. My guess is that we will end up being involved in eight or more races.

We just learned this week that as the President marks his 1-year anniversary of his climate action plan, Tom Steyer is going to meet personally with him. So there is \$100 million at work right there, if that is what it takes for a meeting. And we all know what the cost would be.

This is very important. One thing that has not been refuted, way back in the beginning of the whole global warming thing they talked about the cost is going to be somewhere between \$300 billion and \$400 billion a year. The Wharton Economics Foundation, MIT, Charles Rivers, everyone agreed with that.

The Keystone Pipeline, which Tom Steyer wants to stop, would create 42,000 jobs, and tens of thousands more would be supported in the manufacturing sector. But Keystone is just the tip of the iceberg.

If we look at this chart, No. 3, we can see all of the domestic energy resources being developed around the country right now. We are going through a shale revolution in America, and the only thing that is getting in the way is the Federal Government.

This is interesting: In the last 6 years, oil production on private and State lands is up 61 percent. On Federal land, however, oil production is down 6 percent. Now how could that be?

This map shows throughout the United States—not all in the western part. Look at New York and Pennsylvania. This is where the development is coming from, all of it on State and private land, an increase in 5 years, 5½ years, of 61 percent. At the same time, on Federal land it is down by 6 percent.

The IFC International, a well-respected consulting firm, released a report last month which said U.S. companies would need to invest \$641 billion of infrastructure over the next 20 years to keep up with the growing oil and gas production.

What does it mean for jobs? According to the analysis, the spending on these new pipelines alone will create 432,000 direct jobs. And that is based on a conservative estimate. That does not assume we develop all of the resources in our country. If that were included, it would be a lot more.

So keeping this from happening would be a great impact for imposing anti-energy, global warming policies. We need to build the Keystone Pipeline and provide regulatory certainty for the entire energy infrastructure sector. Without it, we will never reach energy independence.

The PRESIDING OFFICER. The time for the colloquy has expired.

Mr. INHOFE. How much time is remaining on our side?

The PRESIDING OFFICER. There is 33 minutes remaining on the Republican side. But the question of the colloquy time has expired.

Mr. INHOFE. I ask unanimous consent I be given 4 more minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. What time do we have the vote?

The PRESIDING OFFICER. At 4:30.

Mrs. BOXER. That is the reason we were very careful with the time. And we gave my good friends—and they are my good friends—a lot of extra time.

I will allow the Senator to proceed for 1 minute. But after that, we need equal time on this. So I give 1 minute.

The PRESIDING OFFICER. Without objection, the Senator asked for 4 minutes.

Mrs. BOXER. I ask for 1 minute.

Mr. INHOFE. If I could ask my friend if we could compromise: 2 minutes.

Mrs. BOXER. Let me think it over. OK.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I appreciate my good friend from California thinking it over.

Anyway, 432,000 direct jobs. And when we stop and think about it, keeping it from happening would have the impact and effect of stopping us from becoming oil independent. We could do that.

The Keystone Pipeline needs to be built. We all know about the jobs. More importantly, there is not a single good reason why it shouldn't happen.

Tom Steyer's goal is to stop the oil in Canada from being developed, but he can't do it. We have seen this just in the last week. The Canadians have conversations going with China to have them accept it if we don't complete our Keystone Pipeline.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

UNANIMOUS CONSENT REQUEST—S. 2280

Mr. HOEVEN. Mr. President, I ask unanimous consent to call up Calendar No. 371, S. 2280, to approve the Key-

stone XL Pipeline; that there will be up to 4 hours of debate and that the Senate then proceed to vote on passage.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mrs. BOXER. Reserving the right to object, I wish to explain how I come to my conclusion at the end by saying a couple of things.

I see that my dear friend—and these are all my friends whom I particularly enjoy working with—I say to my friend from Oklahoma, he said Tom Steyer is from California. This is correct. So is Justice Kennedy, and so is Richard Nixon, who signed the Clean Air Act. Richard Nixon signed the Clean Air Act, and I was a cosponsor of that act. And Republican Herbert Walker Bush signed the Clear Air Act Amendments.

Mr. INHOFE. Would the Senator yield to that point, because I was a cosponsor of that act.

Mrs. BOXER. I will not yield.

The fact is that Republican objections to controlling carbon pollution took that all the way to the Supreme Court.

Another thing on which I need to correct the record is my friend Senator BARRASSO talked about our President as if our President doesn't care about our being energy self-sufficient. The United States is producing more oil at home than it is buying from the rest of the world for the first time in nearly two decades. Let me repeat that. The United States is producing more oil at home than it is buying from the rest of the world for the first time in nearly two decades. And PolitiFact marked that as true and accurate.

I want to say to my friend who has left the floor, Senator MURKOWSKI—another good friend of mine—we offered a vote on Keystone as part of Senator SHAHEEN and Senator PORTMAN's bill on energy efficiency, and we said we would treat it the way MITCH MCCONNELL recommends treating controversial amendments. We offered a 60-vote threshold. Now they come to the floor decrying the fact that we didn't offer a vote, but we did.

Here is the point: Whenever America considers building a major infrastructure project, we make sure there is a process in place, and we have done that since 1968. It is a well-established process, and that process was updated by George W. Bush in 2004. So this unanimous consent request that would approve the pipeline would bypass the entire process we have set up in this country for these kinds of major infrastructure projects that has been in place since 1968.

We need to know whether the building of this pipeline is in the national interest, and it is critical that the process not be circumvented because there are major issues on behalf of America's families. Frankly, the request that is before us would cut short the process that protects our families. So rhetorically I ask, why would any-

one want to do that? They talk about a lot of jobs. That is in great dispute. The permanent jobs are like 35. So let's be clear. It is about other things. It is about special interests. That is what it is about. There is a lot of money that follows this pipeline.

Now I want to talk about the human health impacts. Tar sands is one of the filthiest kinds of oil on the planet—filthy dirty oil. That is why Senator WHITEHOUSE and I called on the State Department to conduct a comprehensive health impact study—because the pipeline itself is one thing; it is the type of oil that is going through the pipeline, this dirty, filthy tar sands oil.

If you don't believe me, ask our health professionals. A Gallup Poll found 12 years in a row that the most trusted profession is America's nurses. National Nurses United—the Nation's largest professional association of registered nurses, with 185,000 nurses—also called for a health impact study of Keystone because we know if this pipeline is built, immediately we will see a 45-percent increase in the tar sands coming in. Eventually we will see a 300-percent increase in the filthiest, dirtiest of oils coming into our country. We also know this oil has higher levels of dangerous oil pollutants and carcinogens because we documented that in our own country where they burn tar sands oil.

Mr. INHOFE. A parliamentary inquiry, I ask of the Chair.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. INHOFE. Our point is, I believe the distinguished Senator from California is reserving the right to object. I would ask her does she object.

Mrs. BOXER. Mr. President, may I complete my remarks before I make a decision on the pending request.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. A further parliamentary inquiry: Is the time unlimited to finish remarks before objecting or not objecting?

The PRESIDING OFFICER. A reservation for the right to object occurs at the suffering of other Senators.

Mrs. BOXER. I didn't understand what the Chair said.

The PRESIDING OFFICER. There is no right to reserve the right to object.

Mrs. BOXER. All right. Then I would ask unanimous consent that I complete my remarks—the other side had many minutes—and then object.

And I would also ask the Chair, do we not have time on our side at this point in the debate?

The PRESIDING OFFICER. The Senator does, but there is a unanimous consent request pending.

Mrs. BOXER. OK. Well, just to allay my friend's concern and his excitement about whether or not I will object, I will absolutely object. I do object because we know that misery—

The PRESIDING OFFICER. The objection is heard.

Mrs. BOXER. Misery follows the tar sands from extraction, to transportation, to refining, to waste storage.

We are going to show you some pictures, folks, in case you don't know what it looks like when you refine this oil. We are going to show you photos from Port Arthur, TX.

This is what it looks like. There is a playground where this filthy, dirty stuff is burned. This is not a good place to be. We had people at a press conference with the nurses from Port Arthur, TX, and they brought us these pictures and said this is what it is like when they burn the tar sands.

Now let's talk about the types of cancers that are linked to these toxic chemicals, including leukemia, non-Hodgkin lymphoma.

Why would anyone want to short-circuit a process? Just because the oil companies want it? We have to think about our people. Tar sands oil from the Keystone Pipeline will flow to our gulf refineries, increasing this toxic air pollution that already plagues communities such as Port Arthur, TX. I ask you to meet with some of those kids, meet with some of their parents, meet with some of those health professionals, and they will tell you the asthma rates that are happening, the respiratory illnesses, the skin irritations, the cancer. All they talk about is the pipeline. What about what flows through it? What about the toxins that get burned into our air?

We know a pipeline does burst. We know a pipeline does burst. We have seen many of those incidents, and we know one did burst with tar sands oil in Kalamazoo, MI. They still haven't cleaned up the river—3 years, they still haven't cleaned it up. And we know that the pipeline goes through communities and environmentally sensitive areas in six States.

Why would my friends want to bypass a process that is going to look at the potential damage to the health of our citizens, to the safety of our drinking water, and the effect on kids and asthma and cancer?

And let's not forget the tar sands waste, by the way. Here is a picture of that, in case my friends don't know what it looks like. This is called petcoke, petroleum coke. Already, because we have increased tar sands importation, it is lining up around our cities—in Chicago, in Detroit—massive open piles of tar sands, waste products known as petcoke, billowing black clouds containing heavy metals. There was a story that was told to our committee. Children playing baseball have been forced off the field to seek cover from the clouds of black dust that pelt homes and cars.

So you have problems when you extract, you have problems when you transport, you have problems when you refine, and you have problems when you store the waste. Why do my colleagues want to bypass a process that has been put in place since 1968 so we can look at the impact on our people? Petcoke dust is particulate matter. It is among the most harmful of all air pollutants. When inhaled, these par-

ticles can increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections.

Do you know the Federal Government has said that asthma is a national epidemic? I am quoting. It affects 1 of every 12 people or 26 million Americans. I know if I asked people in this Chamber—which I cannot do because it is against the rules of the Senate—to raise their hands if they have asthma or they know someone who has asthma, I guarantee half of the people in the room would raise their hands.

We don't need more asthma. We have a very important system in place to look at the effects of tar sands oil, and I don't think we should be pushing this project forward. Exposing Americans to pollutants linked to cancer and respiratory illness is not in the national interest.

Lastly I want to talk about the climate change impacts. For those people who are listening to the news, they must be surprised to see how many former Republican Environmental Protection Agency officials have come out and said to their colleagues who are here now: Wake up. Climate change is here, it is real, and human activity is adding to it.

The planet is in trouble. Tar sands oil has at least 17 percent more carbon pollution than domestic oil. The State Department concluded even in their flawed study that the annual carbon pollution from just the daily operation of the pipeline, should it be built, will be the equivalent of adding 300,000 new cars on our roads.

So why do we want to short-circuit a process which has been in place since 1968 and which was then renewed by George W. Bush in 2004 to protect our people from just this kind of a project?

If you walk up to an average American and say "Should we build the Keystone Pipeline?" they will say "Pipeline? A pipeline is a pipeline." But when you explain the kind of oil you are putting through the pipeline, that is a different situation because this is the filthiest, dirtiest oil—more carbon intensive. The oil is linked to all kinds of illness.

I stood next to people from Canada, doctors who were so glad I was raising these issues. Even the newspapers in Alberta have called for a much better study on health impact.

So outside of this Chamber more and more Republicans are coming out in support of doing something serious about climate change.

My friend showed a picture of Tom Steyer. Let me thank him from the bottom of my heart. This is someone who is a very successful businessperson who realized he has to step up to the plate and preserve the planet for his kids and his grandkids. Thank you, Tom Steyer.

Just last week four former Republican EPA Administrators who served under Presidents Nixon, Reagan,

George Herbert Walker Bush, and George W. Bush spoke out on the need to address climate change.

I thank Senator WHITEHOUSE, my subcommittee chair on the committee, who called these four incredible—it was an iconic moment, frankly. Let's see if I remember them all. There was Ruckelshaus, who started off with Nixon. There was Christie Todd Whitman, who worked for George W. Bush. There was William Reilly, who worked for George Herbert Walker Bush. Then there was Mr. Thomas, who worked for Ronald Reagan—Ronald Reagan. There they sat, and there they spoke, and there they said very clearly: Wake up, Republicans. This is a serious matter.

Now today a bipartisan group of former Treasury Secretaries released a report showing that the U.S. economy is already feeling the negative financial impacts of climate change. These respected leaders say climate change is real and we must act.

So why would we want to short-circuit a critical review process when approval of the Keystone Pipeline would be a major step in the wrong direction? It is the equivalent of 300,000 cars added back on our roads after we struggled so hard to clean up carbon pollution.

Another concern that remains to be addressed is the Keystone Pipeline's impact on national security. I met with a former SEAL Team 6 leader, and he was involved in the assessment of the Keystone tar sands pipeline and the risk of that pipeline becoming a high-profile target vulnerable to attack. They concluded it absolutely was a high-profile target, and it would be vulnerable to an attack that could trigger a catastrophic tar sand spill.

As I said, the last tar sand spill 3 years ago in Michigan has still not been cleaned up. This stuff is filthy, dirty oil—the dirtiest. Why on Earth would we want to see an eventual 300-percent increase in the importation? The nurses don't want it and the public health doctors don't want it. They came to the press conference with us. We cannot afford to take a shortcut in the Keystone tar sands pipeline review project when so much is at stake—the health of our communities and the impact on climate change.

Finally, I have a picture that I show a lot these days, and it is a picture of what it looks like when you throw the environment under the bus. This is a picture of a province in China where the people walk out with masks over their faces because everybody says: Who cares? We can just do anything we want. Who cares?

I recently went to China. Over the course of 2 weeks, I never saw the Sun. I did not see the Sun. On one day when we had a little bit of Sun peeking through—I mean barely at all—the people there got so excited. The people who work in our embassy there get hazardous duty pay because it is so dangerous for their families. They can't go out and breathe the air because they can get sick.

We can have economic growth and a clean environment. You know why? We did it in the 1970s when everybody objected to the Clean Air Act. You should have seen the folks come to the Senate floor. You should have heard the Chamber of Commerce railing against the Clean Air Act. You know what happened since then? Tens of millions of jobs have been created. The air is clean. Thousands and millions of lives over time have been saved. Heart attacks, asthma attacks, and cancer have reduced. We can quantify it.

When colleagues come here and try to do something to bypass a procedure to protect human health and the environment, you can count on me standing right here. I am proud to do it.

I can report that California—under the great leadership of our Governor Jerry Brown—is moving to clean energy. We are moving to thousands and millions of new jobs. We have added more jobs over the last couple of reporting periods than any other State. We are balancing our budget. We have a surplus because we are moving to energy efficiency, and that means people are going to work.

I understand that my friend from New Hampshire is interested in making a few remarks, so at this time I wish to say to my Republican friends that it is with great respect and friendship, truly, that we see the world differently, and that is OK. That is what makes this the greatest country on Earth. We can come here and speak out.

I wish to say to the American people today that this rush to build the pipeline before the process is completed is dangerous to the health of people and to the health of the planet and to the importance of our national security.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I appreciate my colleague from California giving me an opportunity to respond.

As those of us on the floor probably remember, several weeks ago we were talking about trying to address the Energy Efficiency and Industrial Competitiveness Act, also known as Shaheen-Portman, an effort that Senator PORTMAN and I had worked on for 3½ years to try and put in place a comprehensive energy efficiency strategy for this country. The bill has no mandates in it and no new spending. It has the support of over 260 groups—everybody from the U.S. Chamber of Commerce to the National Association of Manufacturers to the NRDC to several trade unions, companies from Johnson Controls to Honeywell, the American Chemistry Council. It has the support of a broad coalition of people.

According to the American Council for an Energy-Efficient Economy, if the legislation of Senator PORTMAN and myself were to pass this year, by 2030 it would help create 192,000 jobs, save consumers \$16.2 billion a year, and it would be the equivalent of taking 22 million cars off the road.

As part of that discussion, we actually had what we thought was an agreement to have a vote on Shaheen-Portman on a date certain that would have a 60-vote threshold and also have another vote on the Keystone Pipeline on a date certain. All the Senators would know when the vote would take place, and again it would have a 60-vote threshold. Sadly, some of the sponsors of that legislation who worked with us to try and get a bill put forward refused to vote to consider the bill, and it went down. It is unfortunate because we could have had a vote on the Keystone Pipeline at that time. It was an agreement I thought we had all agreed made sense.

UNANIMOUS CONSENT REQUEST—S. 2262

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate resume consideration of S. 2262, the Shaheen-Portman energy efficiency bill; that the motion to commit be withdrawn; that amendment Nos. 3023 and 3025 be withdrawn; that the pending substitute amendment be agreed to; that there be no other amendments, points of order, or motions in order to the bill other than budget points of order and the applicable motions to waive; that there be up to 4 hours of debate on the bill equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on passage of the bill, as amended; that the bill be subject to a 60-affirmative-vote threshold; that if the bill is passed, the Senate proceed to the consideration of Calendar No. 371, S. 2280, at a time to be determined by the majority leader, after consultation with the Republican leader, but no later than Thursday, July 17, 2014; that there be no amendments, points of order, or motions in order to the bill other than budget points of order and the applicable motions to waive; that there be up to 4 hours of debate on the bill equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on passage of the bill; finally, that the bill be subject to a 60-affirmative-vote threshold.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The objection is heard.

Mr. INHOFE. Mr. President, I do reserve the right to object. I have listened carefully to my very good friend from California, and it affects my decision as to whether to object.

The reason the American people are no longer interested in all the hype and all the world coming to an end on global warming is for four reasons. No. 1, according to the IPCC—let's keep in mind, the IPCC, the Intergovernmental Panel on Climate Change, is the science that is behind this opinion. They even admit today that there has

been no warming in the last 14 years. This is not just a report from the IPCC but Nature magazine.

Mrs. BOXER. Parliamentary inquiry, please.

The PRESIDING OFFICER. Will the Senator state the inquiry.

Mrs. BOXER. My understanding is the Senator is using the time of the Senators on this side of the aisle to make a speech before he objects. Am I correct? Is it our time?

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. I ask that the Senator object, and then Senator SHAHEEN have the rest of the time because we are running out of time.

Mr. INHOFE. I am reserving the right to object.

The PRESIDING OFFICER. The Senator does not have the right to reserve the right to object.

Mr. INHOFE. I recall that a few minutes ago, the distinguished Senator from California reserved the right to object and gave her reasons. Is that incorrect?

The PRESIDING OFFICER. The time was under Democratic control at that time.

Mr. INHOFE. Very well. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from New Hampshire.

Mrs. SHAHEEN. I wish to say I am disappointed we can't move forward to address the concern on both voting on the Keystone Pipeline as well as the concern Senator PORTMAN and I have to consider the Shaheen-Portman energy efficiency bill.

Shaheen-Portman is legislation that would go very far to address our energy needs. After all, energy efficiency is the first fuel. It is the cheapest, fastest way to deal with this country's energy needs. It has support from those people who believe in fossil fuels and from those people who support alternatives, such as wind and solar. It is something everybody benefits from, and it is something that would move us in a direction that would help address the pollution we are seeing—not just from carbon but from so many other pollutants that are being thrown into the air. It is a reasonable way to address both our concerns as well as the concerns of those people who support the Keystone Pipeline.

Let's have this vote—up or down—with a 60-vote threshold. I believe we have strong bipartisan support for Shaheen-Portman. We saw that in the motion to proceed when it got more than 70 votes here on the floor. We had strong bipartisan cosponsors on the legislation. I think we could have those votes now, everybody would be happy, and let the votes fall where they may.

I am disappointed to hear the objection. I hope we will have an opportunity to reconsider, and I hope we can all agree that there is a benefit to both sides of the aisle in voting on both of these issues in a way that gives the American people some idea of where we stand.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Will the Senator from New Hampshire yield for a question?

Mrs. SHAHEEN. Happily.

Ms. HEITKAMP. I am obviously not as schooled in the procedures of the Senate, but I want to better understand what happened here. Obviously the Senator moved to bring forward a bill she and Senator PORTMAN worked tirelessly on, which is critical to jobs in America and to energy efficiency, while also agreeing to allow a number of amendments, which included an amendment this Senator would have loved a vote on, the Keystone Pipeline. Obviously I don't believe the Senator and I share the same opinion, but I think it is important to have a discussion about it.

With all of the discussion about how we are not moving legislation forward in the Senate, I am curious as to why someone would object to that consideration and moving that bill forward. It seems as though it is a reasonable and appropriate consequence.

Mrs. SHAHEEN. I know my colleague from California wishes to answer, but I will say that I share the Senator's disappointment. I think this was a great opportunity for us to address both energy efficiency in the Shaheen-Portman legislation and to also get a vote on the Keystone Pipeline, which is something we discussed several weeks ago when the energy efficiency legislation came to the floor. I thought we had an agreement where we would vote on the bill and then separately vote on Keystone, and they would both have a 60-vote threshold. Sadly, some of those sponsors of the legislation didn't vote for it when the bill was filibustered, and so it did not pass. I am hopeful we can still bring it back. I am happy to bring it back in a way that allows us to have the same 60-vote threshold for a vote on the Keystone Pipeline.

Mrs. BOXER. Will the Senator yield.

Mrs. SHAHEEN. I will.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I wish to say through the Chair, I spoke for quite a while on why I feel it is not good governance to come to the floor and ask unanimous consent to move to a bill and to short circuit a process that is in place and has been in place since 1968. The process was renewed by President George W. Bush to make sure when we build an American infrastructure project that it is safe, that it is in our national security interests, that public health is considered, and all the rest.

I have said all along on an amendment of controversy—I am ready to vote on the Keystone Pipeline, and I support Senator SHAHEEN and Senator PORTMAN's bill. What a great bill. What a win-win. Senator SHAHEEN is willing to take a 60-vote threshold for that, and those of us who worry about the

pipeline are willing to vote with a 60-vote threshold. That is the way to go.

The minority leader, the Republican leader Senator MCCONNELL, said it over the years over and over. Whenever there is controversy, if people feel it is controversial, have a 60-vote threshold. He said that I don't know how many times, but I have the quotes. All of a sudden, when it comes to repealing President Obama's Climate Action Plan or Keystone, somehow that doesn't qualify as controversial from his point of view, but the thing about "controversial" is it is in the eye of the beholder. I don't think it is controversial to raise the minimum wage. It hasn't been raised in years, but my friends on the other side don't like it. They demand 60 votes. So we had a 60-vote threshold.

That is where we are, and that is why we are in this mess.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I thank the Chair.

Mr. LEAHY. Mr. President, I applaud the Senate today for voting on the confirmation of Leon Rodriguez to be Director of the United States Citizenship and Immigration Services, USCIS. This is a vital leadership position within the Department of Homeland Security, responsible for administering and processing asylum and refugee applications, immigration benefits, and naturalization and visa petitions, including the EB-5 Regional Center Program.

Mr. Rodriguez's confirmation comes at a critical time. Nearly 1 year after the Senate's historic vote on the Border Security, Economic Opportunity and Immigration Modernization Act, House Republicans have failed to pass comprehensive immigration reform, and have maintained a status quo that leaves our immigration system in tatters. We are now seeing the human cost of this inaction, as tens of thousands of young, unaccompanied alien children flood our Southwest border. Many of these children fled their homes to escape unimaginable violence, only to endure a harrowing journey and, once here, yet another humanitarian crisis. House Republicans must act to fix our broken immigration system, as we did in the Senate 1 year ago this week. Until then, our borders will be unmanned, our immigration courts overwhelmed, our economy will lag, and millions of people who have lived and worked in our country for years will be left in limbo.

Although he will face these extraordinary challenges, I am confident that Mr. Rodriguez will ably lead USCIS. He currently serves as the Director for the Office for Civil Rights at the U.S. Department of Health and Human Services. He previously served as the Deputy Assistant Attorney General and Chief of Staff for the Justice Department's Civil Rights Division. Prior to joining the administration, Mr. Rodriguez was the county attorney for Montgomery County, Maryland. Before that he was in private practice here in

Washington. He has vast leadership and management experience, spanning both public and private practice, and often intersecting with issues of national origin and immigration status, making him extremely qualified to lead USCIS effectively.

Mr. Rodriguez understands the need for both a comprehensive and compassionate response to the humanitarian crisis facing children seeking refuge in our country. With parents who fled an oppressive regime in Cuba, and grandparents who fled anti-Semitism and poverty in Turkey and Poland before that, Mr. Rodriguez understands the challenges and remarkable potential of immigration, both for the immigrant and for our country. This process begins with the fair, swift adjudication of asylum, refugee, and visa petitions.

Mr. Rodriguez also understands how important the USCIS-administered EB-5 jobs program is to States like Vermont. This important economic program has transformed parts of our State, providing much-needed capital and creating jobs. I have spoken to Mr. Rodriguez about the challenges facing the program, including long application processing delays that have threatened to undermine important projects. He is committed to working with us in Congress to strengthen the program and make it permanent.

He has the strong support of law enforcement, including the Major Cities Chiefs Association, as well as a coalition of 37 Latino organizations from across the country. I too support Mr. Rodriguez. I was proud to advance his nomination through the Senate Judiciary Committee and on the Senate floor. He is uniquely suited to lead this important office, and I look forward to seeing the progress to come at USCIS.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Leon Rodriguez, of Maryland, to be Director of the United States Citizenship and Immigration Services, Department of Homeland Security?

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mr. PRYOR) and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Nebraska (Mr. JOHANNES).

The PRESIDING OFFICER (Ms. WARREN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 211 Ex.]

## YEAS—52

Baldwin	Harkin	Nelson
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Booker	Johnson (SD)	Sanders
Boxer	Kaine	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Stabenow
Cardin	Landrieu	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Coons	Markey	Walsh
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murphy	
Hagan	Murray	

## NAYS—44

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Chambliss	Hoeben	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Collins	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Lee	Toomey
Crapo	Manchin	Vitter
Cruz	McCain	Wicker
Enzi	McConnell	

## NOT VOTING—4

Cochran	Pryor
Johanns	Schatz

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

Mr. REID. I ask that the Senate now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. REID. I move to proceed to executive session to consider Calendar No. 738.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

# NOMINATION OF CHERYL ANN KRAUSE TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Cheryl Ann Krause, of New Jersey, to be United States Circuit Judge for the Third Circuit.

## CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Cheryl Ann Krause, of New Jersey, to be United States Circuit Judge for the Third Circuit.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Patty Murray, Jack Reed, Sheldon Whitehouse, Christopher A. Coons, Jeff Merkley, Sherrod Brown, Tom Harkin, Richard Blumenthal, Benjamin L. Cardin, Angus S. King, Jr., Thomas R. Carper, Debbie Stabenow, Elizabeth Warren, Amy Klobuchar.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

# RECOGNIZING BISHOP DON DIXON WILLIAMS

Mr. REID. Madam President, today I honor and recognize the career of Bishop Don Dixon Williams, a member of the organization Bread for the World and the face of antihunger advocacy for over 25 years. At Bread for the World, Bishop Williams has been the national associate for African-American church engagement and a globally recognized advocate for the poorest among us.

During his tenure at Bread for the World, Bishop Williams traveled across the world confronting the problem of hunger both at home and abroad. Bishop Williams also served as a US delegate to the G8 summit, and he has traveled to Israel and Palestine to help engage Muslim, Jewish, and Christian leaders in discussions about peace.

In addition to his service for Bread for the World, Bishop Williams has been the consummate churchman. He was consecrated a bishop in 2007 for the United Church of Jesus Christ, and he has served in various capacities with other faith-based organizations throughout his career.

On behalf of the Senate, I commend Bishop Don Dixon Williams on a lifetime of public service and wish him the best in all his future endeavors.

## CHILDREN'S HEALTH

Mr. LEAHY. Mr. President, I am pleased, although not surprised, with

the latest news that Vermont's children rank as the healthiest. Recent data released by the Centers for Disease Control and Prevention shows that Vermont ranks at the top or near the top of the list on a variety of metrics, including a child's access to health care, and percentage of children who exercise regularly. We all know that healthy habits begin in childhood, and Vermont has worked for years to ensure that all Vermont children have access to healthy beginnings.

Vermont has long been a trailblazer on health care, particularly for children. Recognizing that access to health care for children and pregnant women is critical to a healthy society, Vermont created the Dr. Dynasaur Program in 1989 to help families who could not afford health insurance but could not qualify for Medicaid. The program was such a success, Governor Howard Dean expanded Dr. Dynasaur in 1991 to cover all children and teens. Governor Dean's success with the program and leadership on the issue paved the way for Congress to create the Children's Health Insurance Program.

Vermont has taken other steps as well to ensure all children can grow up healthy. In addition to having one of the lowest rates of uninsured children, Vermont has worked hard to give children access to healthy meals at school. Vermont brings local food into schools and teaches children about healthy eating through the Farm to School Program. And in order to make sure all children have access to school meals, Vermont gives those eligible for reduced-price lunches those meals for free. By working in a coordinated fashion across agencies and with advocacy groups, Vermont reaches out to children in need to help those families receive access to health care, nutrition assistance, and other vital safety net programs.

Unfortunately, there are still some troubling national trends related to children's health of which Vermont is not immune. Larger serving sizes and greater access to junk food combined with sedentary lifestyles have contributed to the steady rise in childhood obesity rates. Additionally, we are seeing a rise in the number of children living in poverty and without consistent access to nutritious food and health care. If we fail to reverse these trends, we are setting our children up for health problems that will last well into adulthood.

We must continue to support the efforts of our States and so many families who are trying to help their children make healthy choices. Instead of working to undermine the efforts we have made to ensure children can eat nutritious meals in school or to repeal the Affordable Care Act, or reducing eligibility in the Special Supplemental Nutrition Program for Women, Infants, and Children Program or other nutrition programs, we should be working together to ensure all American children have the chance to succeed.